IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 213 OF 2007
IN
CRIMINAL APPEAL NO. 185 OF 2007

Smt. Jyoti Krishna Warake ..Appellant
(Ori.Accused No.7)
versus
State of Maharashtra ..Respondents

WITH
CRIMINAL APPLICATION NO. 315 OF 2007
IN
CRIMINAL APPEAL NO. 273 OF 2007

Smt. Shobha @ Rubina Afzal Lakhani ..Appellant
(Ori.Accused No.6)
versus
State of Maharashtra ..Respondents

Mr. N. N. Gavankar with Mr. Arfan Sait for the Appellants.

Ms. R. M. Gadhvi, APP for the Respondents - State.

CORAM : D. G. DESHPANDE, &
SMT. NISHITA MHATRE, JJ.
DATE : 2ND APRIL, 2007.

P.C.

1. Heard.

2. Both these Applications are filed by the Appellants - Original Accused No. 7 and 6 respectively. They have been convicted for life

imprisonment under Section 302 read with 149 of I.P.C. The role attributed to them is that they came in the night near the house of the victim in rickshaw or scooter. Accused No.1 was also there and both these appellants - accused had inflicted kicks and blows and thereafter accused No.1 took out a knife and inflicted five blows. Both these applicants - appellants were on bail during trial. Considering these facts, the applications are required to be allowed.

3. Learned APP tried to contend that there is evidence against them for their participation and for appellants - accused Nos. 6 and 7 being members of unlawful assembly. However, looking to the injuries and the role played by the appellants - original accused Nos. 6 and 7, they deserve to be granted bail. They were on bail during trial.

4. In the result, Appellants - original accused No. 6 Smt. Shobha @ Rubina Afzal Lakhani and original accused No. 7 Smt. Jyoti Krishna Warake be released on their P.R. Bond of Rs.7,500/- (Rupees Seven Thousand Five Hundred) each with one or two solvent sureties in the like amount, each. Both the Applications are disposed of accordingly.

(SMT. NISHITA MHATRE, J.) **(D.G. DESHPANDE, J.)**